

ILLINOIS POLLUTION CONTROL BOARD  
October 16, 2014

IN THE MATTER OF: )  
 )  
PETITION OF THE CITY OF COLLINSVILLE ) AS 15-01  
FOR AN ADJUSTED STANDARD FROM 35 ) (Adjusted Standard – Water)  
ILL. ADM. CODE 620.410 FOR CERTAIN )  
CONSTITUENTS )  
 )

ORDER OF THE BOARD (by D. Glosser):

On August 8, 2014, the City of Collinsville (petitioner) filed this petition for an adjusted standard. Pursuant to Section 28.1(d)(1) of the Environmental Protection Act, “petitioner shall submit to the Board proof that, within 14 days after filing of the petition, it has published notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected.” 415 ILCS 5/28.1(d)(1) (2012). Further, Section 104.410 of the Board’s procedural rules (35 Ill. Adm. Code 104.410) requires that the petitioner file proof of publication within 30 days after the filing of the petition. At this time the Board has not received proof of publication in this proceeding.

Publication of notice of filing is jurisdictional. *See* Petition of Horsehead Resource and Development Company, Inc., for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c), AS 00-1(Aug. 5, 1999); Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1), AS 00-14 (June 8, 2000); Petition of SCA Tissue North America, LLC for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c), AS 5-1 (Jan. 6, 2005); *see also* Southern Illinois Power Cooperative v. IEPA, AS 14-1 (Jan. 23, 2014). Because petitioner failed to provide proof of timely publication, the Board dismisses the adjusted standard and closes the docket.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2012); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board’s procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 16, 2014, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

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John T. Therriault, Clerk  
Illinois Pollution Control Board